

REMARKS

The Patent and Trademark Office Action, dated June 30, 2005, has been carefully considered. Applicant has canceled claim 1 and added claims 2 - 18. Therefore, claims 2 - 18 remain in the case with two (2) independent claims and fifteen (15) dependent claims for a total of seventeen (17) claims. No new claim fee is due.

Applicant traverses the Examiner's rejection of original claim 1 under 35 U.S.C. §102 as being anticipated by Hubert, et al. Hubert discloses a centrifuge loading device with an XYZ transport mechanism with a pickhead having two (2) fingers for selectively extracting blood sample tubes from a carrier. Ordinarily, size is not a factor. However, blood sample tubes are typically larger than the type of tubes used in a conventional tube rack for 96 tubes. Because of packing density, the pick mechanism requires four (4) fingers to slip into the spaces between the orthogonally arranged tubes. Each feature must be found in a reference that it anticipates. As there is a significant and meaningful difference, the original rejection was in error.

Because of obvious errors in the original claim (note the mispositioning of "head" re "pickhead"), Applicant has clarified the language of the claim in new claim 11. Additionally, because of the more densely packed and smaller size of the tubes, the XYZ transport mechanism preferably should not be of a cantilever type such as the "off the shelf" robotic device of Hubert, et al. Claims 1 - 10 were added to distinguish Applicant's transport mechanism from the prior art references of record, including Sawafta, which describes an X-Y moving bed and a Z axis overhead fill and weigh device.

It is respectfully requested that the Examiner re-examine the application and new claims presented and pass this application to issuance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard Esty Peterson", written in a cursive style.

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Dated: October 28, 2005